

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CLEOPATRA EGYPT,

Plaintiff,

-against-

THE UNITED STATES OF AMERICA,

Defendant.

23-CV-2930 (JGLC)

ORDER OF SERVICE

JESSICA G. L. CLARKE, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under Federal Tort Claims Act (“FTCA”), asserting tort claims of medical malpractice in connection with dental health services she was provided by the Institute for Family Health in New York, New York.<sup>1</sup> By order dated April 10, 2023, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.

**DISCUSSION**

**A. Service on Defendant**

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>2</sup> *Walker v. Schult*, 717 F.3d. 119, 123

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<sup>1</sup> Plaintiff filed the original complaint in this action on April 7, 2023. On April 10, 2023, Plaintiff filed an amended complaint. (ECF 4.) By order dated June 12, 2023, the Honorable Laura Taylor Swain, in her capacity as Chief Judge, dismissed the amended complaint on the grounds that Plaintiff had not alleged facts demonstrating that she filed an administrative claim for damages under the FTCA and subsequently received a final written determination of her claim. (ECF 5.) Chief Judge Swain granted Plaintiff 30 days’ leave to file a second amended complaint demonstrating that she exhausted her administrative remedies. On July 10, 2023, Plaintiff filed a second amended complaint. The second amended complaint (ECF 6) is the operative pleading.

<sup>2</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summons and the second amended complaint until the Court

n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendant United States of America through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendant. The Clerk of Court is also instructed to mark the box on the USM-285 forms labeled “Check for service on U.S.A.” The Clerk of Court is further instructed to issue a summons for Defendant and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service of summons and the second amended complaint on Defendant.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

#### **B. New York Legal Assistance Group Clinic**

Plaintiff may consider contacting the New York Legal Assistance Group’s (“NYLAG”) Clinic for Pro Se Litigants in the Southern District of New York, which is a free legal clinic staffed by attorneys and paralegals to assist those who are representing themselves in civil lawsuits in this court. The clinic is run by a private organization; it is not part of, or run by, the

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reviewed the second amended complaint and ordered that the summons be issued. The Court therefore extends the time to serve until 90 days after the date the summons is issued.

court. It cannot accept filings on behalf of the court, which must still be made by any *pro se* party through the Pro Se Intake Unit. A copy of the flyer with details of the clinic is attached to this order.

### CONCLUSION

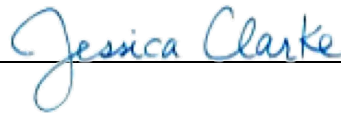
The Clerk of Court is instructed to: (1) issue a summons for Defendant, (2) complete USM-285 forms with the service addresses of Defendant (3) mark the box on the USM-285 forms labeled “Check for service on U.S.A.,” and (4) deliver all documents necessary to effect service of summons and the second amended complaint Defendant to the U.S. Marshals Service.

A copy of the flyer with details of the NYLAG clinic is attached to this order.

The Clerk of Court is also directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: August 9, 2023  
New York, New York



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JESSICA G. L. CLARKE  
United States District Judge

**DEFENDANT AND SERVICE ADDRESSES**

United States of America  
Attorney General of the United States  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-2000

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## Free Legal Assistance for Self-Represented Civil Litigants in Federal District Court for the Southern District Of New York

The NYLAG Legal Clinic for Pro Se Litigants in the Southern District of New York is a free legal clinic staffed by attorneys, law students and paralegals to assist those who are representing themselves or planning to represent themselves in civil lawsuits in the Southern District of New York. The clinic does not provide full representation. The clinic, which is not part of or run by the court, assists litigants with federal civil cases including cases involving civil rights, employment discrimination, labor law, social security benefits, foreclosure and tax.

### To Contact the Clinic:

Call (212) 659-6190 or complete our online intake form (found here: <https://tinyurl.com/NYLAG-ProSe-OI>). A staff member will contact you within a few business days.

Those looking for assistance can also contact the clinic at the kiosk located across the hall from the pro se clinic office in the courthouse.

**At this time, the clinic offers remote consultations only. Requests for in-person appointments will be reviewed on a case-to-case basis.**

### Location and Hours:

Thurgood Marshall United States Courthouse

Room LL22  
40 Foley Square  
New York, NY 10007  
(212) 659 6190

Open weekdays  
10 a.m. – 4 p.m.  
Closed on federal and court holidays

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